

1 JEAN E. WILLIAMS
2 Deputy Assistant Attorney General
3 Environment and Natural Resources Division
4 U.S. Department of Justice
5 John H. Martin, Colo. Bar No. 32667
6 Nevada Bar No. 6048 (currently inactive)
Wildlife & Marine Resources Section
999 18th St., South Terrace Suite 370
Denver, CO 80202
(303) 844-1383 (tel)
(303) 844-1350 (fax)
Email: john.h.martin@usdoj.gov

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CENTER FOR BIOLOGICAL DIVERSITY,)
et alia,) Case No. 2:13-cv-1785-RFB-GWF
Plaintiffs,)
v.)
SONNY PERDUE, in his official capacity as)
Secretary of the U.S. Department of)
Agriculture;)
et alia,)
Defendants.)

**UNOPPOSED MOTION AND [PROPOSED] ORDER
TO LIFT STAY AND RESET MOTION DEADLINE**

Defendants, by and through undersigned counsel, hereby move the Court to lift the stay of litigation and to also reset the deadline to file a motion under Fed. R. Civ. P. 54(d).

1. By Minute Order dated January 14, 2019, the Court stayed this matter based on the fact that appropriations for the U.S. Department of Justice and Defendants had lapsed. ECF 118. That Order

1 also set the time for a party to file a motion under Fed. R. Civ. P. 54(d) to be thirty days after the stay is
2 lifted. ECF 118.

3 2. Appropriations for Defendants and the U.S. Department of Justice have been restored effective
4 January 25, 2019. Accordingly, Defendants now move the Court to lift the stay of litigation.
5

6 3. The Parties have conferred and also request that the Court set the deadline for a motion under
7 Fed. R. Civ. P. 54(d) to be seventy-five (75) days after the stay is lifted. This time will allow the parties
8 to attempt to resolve the matter of attorneys' fees and expenses before presenting it to the Court.
9

10 5. Counsel for Plaintiffs has authorized counsel for Defendants to state that Plaintiffs consent to this
11 motion.
12

13 WHEREFORE, Defendants request that the Court grant this motion, and enter an order lifting
14 the stay of litigation and requiring that any motion under Fed. R. Civ. P. 54(d) be filed seventy-five (75)
15 days after the stay is lifted.
16

17 Respectfully submitted this 31st day of January, 2019.
18

19 JEAN E. WILLIAMS
20 Deputy Assistant Attorney General
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22 /s/ John H. Martin
23 John H. Martin, Colo. Bar No. 32667
24 (NV Bar No. 6048 currently inactive)
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(303) 844-1383 (tel)
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26 Attorneys for Defendants

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UNOPPOSED MOTION AND ORDER
TO LIFT STAY AND RESET MOTION DEADLINE

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED: February 5, 2019.

Proof of Service

I, John H. Martin certify that the following individuals were served with this Unopposed Motion on this date by the below identified method of service:

Electronic Case Filing:

William S. Eubanks II - beubanks@meyerglitz.com

Eric R. Glitzenstein - eglitzenstein@meyerglitz.com

Henry K. Egghart - hegghart@nvbell.net

DATED this 31st day of January 2019.

/s/ John Martin
John H. Martin
Trial Attorney